



30 January 2020

Mr Brendon Roberts
Director, Regional Assessments
Department of Planning, Industry and Environment

By email: [REDACTED]

Dear Mr Roberts

Nords Wharf Concept Plan (MP 07_0088 MOD 1)

I refer to your letter received by the Independent Planning Commission (the **Commission**) on 14 January 2020, referring the above modification request to the Commission under delegation for determination.

A panel of three Commissioners has been appointed to determine this modification request, and after carefully reviewing the proposal, the Commission would be grateful if the Department could address the queries raised in **Attachment A**.

It would be greatly appreciated if the Department could provide a response to Attachment A at the meeting with the Panel on **Tuesday 4 February 2020**, or shortly thereafter. If you have any questions, please contact Casey Joshua, Senior Planning Officer, on [REDACTED] or at [REDACTED].

Yours sincerely

Stephen Barry
Director Planning
Independent Planning Commission



ATTACHMENT A – KEY ISSUES

1. Can you please confirm and clarify the Departments consideration of all relevant Environmental Planning Instruments and Development Control Plans in the assessment of Modification 1?
2. Can you please confirm if the Department received a copy of the following documents, which were requirements of the original Concept Plan Approval (**Concept Approval**) prior to the lodgement of the first subdivision. If they were provided to the Department, can you please provide these to assist the Commission's determination:
 - a) Urban Design Guidelines under FEAR 1.10;
 - b) Staging Plan for Contributions under FEAR 1.13; and
 - c) Landscape Management Plan under FEAR 1.12 (also see question 5 below re the landscape buffer).
3. It is noted there are some new roads proposed within the Modification 1 layout. Could you please confirm and clarify the Department's consideration of these?
4. The Department's Assessment Report (**AR**) supports the reduced width of the Branter Road landscape buffer. Can you please provide further detail regarding this conclusion, and confirm the Department is satisfied that the location of this buffer within individual lots will be adequately protected and maintained for the life of the development.
5. The AR identifies public interest as a reason for not supporting the proposed changes to the contributions and intersections. Can you please expand on the justification for this (for example, with reference to the objects of the Environmental Planning and Assessment Act 1979, the principles of Ecologically Sustainable Development and the community responses)?
6. The Commission seeks clarification as to how the \$1 million identified in the Statement of Commitments (**SoC**) for the subject development relates to the \$5 million contributions applicable to the wider Coal and Allied release area, how it was calculated and whether it remains accurate in today's monetary terms.
7. Can you please provide details of any existing VPAs relating to the Nords Wharf Concept Plan development, and any implications that may result from the amendments proposed under Modification 1?
8. Regarding the bank guarantees, please provide further detail supporting the Departments conclusion that the bank guarantees are beyond the scope of this modification. Furthermore, should the Commission agree to any reduction of contributions, and noting question 7 above, would this require a VPA amendment (if one is in place) to provide these monies?
9. Can you please provide advice for the Commission regarding item (l) of the Proposed Modification Instrument, in relation to whether a condition can require the SoC to be amended (in relation to the payment of Council contributions), or whether SoC changes must come from the Proponent.



10. It is noted at the time of Concept Approval the applicable s94 plan at the time did not include the Concept Approval area. However, Council now has a s7.11 plan in place (the Lake Macquarie City Council Development Contributions Plan Belmont Contributions Catchment – 2017 [**Belmont Contributions Plan**]) that covers the Nords Wharf Concept Approval area. Can you please expand on the Department's consideration of whether the Belmont Contributions Plan provides for any facilities that are also included in the \$1 million contribution payment?

